

## United States District Court, Northern District of Illinois

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|---|---|---|------------------|
| Name of Assigned Judge<br>or Magistrate Judge | John F. Grady                               | Sitting Judge if Other<br>than Assigned Judge |                  |
| CASE NUMBER                                   | 08 C 6749                                   | DATE  | December 3, 2008 |
| CASE<br>TITLE                                 | Romine v. Jefferson Regional Medical Center |   |                  |

## DOCKET ENTRY TEXT

The complaint is dismissed without prejudice to refile in the proper venue. Plaintiff's application to proceed in forma pauperis and plaintiff's motion for appointment of counsel are denied as moot. SEE DETAILS BELOW.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

Plaintiff Carroll Romine has filed a pro se medical malpractice action against the Jefferson Regional Medical Center in Pine Bluff, Arkansas. Plaintiff invokes diversity jurisdiction; therefore, venue is governed by 28 U.S.C. § 1391(a), which provides:

A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides . . . , (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . , or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

Plaintiff's claim arises out of events that allegedly took place in Arkansas, and defendant resides in Arkansas. The Northern District of Illinois is therefore not the proper venue for this action. Accordingly, pursuant to 28 U.S.C. § 1406(a), we will dismiss the complaint. If plaintiff wishes to proceed with this action, he should file it in the appropriate federal district court in Arkansas, subject to that district's procedures governing in forma pauperis applications.

The complaint is dismissed without prejudice to refile in the proper venue. Plaintiff's application to proceed in forma pauperis and plaintiff's motion for appointment of counsel are denied as moot.

Courtroom Deputy  
Initials:

KM